

# A Brief Guide to... Registered Designs

## **What is a registered design?**

A registered design provides protection against other people using your design, whether they have copied it directly, or independently derived it after your application date. The protection covers the look of the design rather than any functionality, and is typically used to protect the shape, contours, colours, patterns, lines etc. of a two dimensional or three dimensional object. Once registered, the owner has the right to prevent others from making, using, importing or selling objects made to the design, and it can therefore be a powerful tool to stay ahead of the competition.

Applications can be made in the UK, Europe-wide (in a single application), or individually in most countries of the world.

A recent change in the law means that it is now a criminal offence to copy a registered design in some circumstances. Designers should seek advice if their designs are close to an existing design that they are aware of, as an opinion from an attorney can help a defence in court.

## **Are there any limitations on what is covered?**

No protection is given to features of the design that are dictated solely by their technical function. Nor can you protect features of the design that are of a particular shape because they must connect to, or fit in or against another product to enable either product to perform their function. If the design is technical in nature, then a patent may be a more appropriate means of protection.

The design must be new, and have “individual character”, which means that the design should give a different overall impression on the informed user as compared to any previously

known design. Clarke IP can provide advice as to whether we feel your design is suitable for registration.

## **What if I've already made my design public?**

All may not be lost. There is a 12 month grace period on any disclosure by the applicant. If you have disclosed it then it's best to get the application in as soon as possible, or others may get in ahead of you

## **How long do they last?**

A design will last for a maximum of 25 years from the date of registration, renewable in five year increments.

## **How much do they cost?**

In the UK it is a relatively low cost form of protection, with the official fees being £60 for a single design, and discounts for multiple designs filed together.

A Europe-wide registered design can be obtained for a few hundred Euros, again with discounts for applications containing multiple designs.

## **How do I file?**

For a UK filing, an application form is filed with the UK Intellectual Property Office. The application must contain a set of one or more images of the design. Care must be taken when selecting these images as it is possible to inadvertently limit the scope of registration by a poorly chosen image. This is one area where the skill and knowledge of an attorney is invaluable.

The above is necessarily a simplified summary of what is a fairly complex subject. Please contact Clarke IP Ltd. for more information on this topic, or if you wish to discuss any designs you would like to protect.